

REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the Office Action of July 14, 2005. Reconsideration of this application in light of the amendment and the allowance of this application are respectfully requested.

Claims 1-89 were pending in the present application prior to the above amendment. In response to the Office Action, claims 1, 12, 14, 20, 23, 27, 31, 34, 42, 44, 45, 47, 56, 58, 63, and 66 have been amended, and new claims 90-100 have been added. Therefore, claims 1-100 are pending in the present application and are believed to be in proper condition for allowance. Paragraph [0039] of the specification has also been amended to delete an incomplete sentence.

Initially, the Applicants acknowledge with appreciation, the Examiner's indication of allowable subject matter in claims 12, 14, 20-22, 27-30, 56, 58, and 63-65 if rewritten in independent form to include all the limitations of the base claim, and any intervening claims. In response thereto, dependent claims 12, 14, 20, 27, 56, 58, and 63 have been amended to be in independent form to include all the limitations of the base claim and the intervening claims. Therefore, the allowance of these claims is respectfully requested, the remaining unamended dependent claims being dependent upon one of the independent claims now in proper condition for allowance.

Referring now to the Office Action, the Examiner's withdrawal of the restriction requirement is acknowledged with appreciation. In addition, the Examiner rejected claims 34-39 and 65-70 as being rejected under the judicially created doctrine of double patenting/obviousness-type double patenting in view of claims 1-6 of U.S. Patent No. 6,714,933. It appears that there is a typographical error in the Office Action and that the Examiner is actually referring to claims 66-70 in this rejection. The Applicants respectfully note that independent claims 34

and 66 have been amended herein in response to the Examiner's other rejections. The Applicants believe that in view of the amendments to the independent claims 34 and 66, this double patenting rejection is no longer applicable. Correspondingly, a terminal disclaimer suggested by the Examiner is believed to be no longer required, and the withdrawal of this rejection is respectfully requested.

Referring again to the Office Action, claims 31, 37, 57, 42, 44, and 47, were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for various deficiencies. In particular, claim 31 recited "sits" as a limitation within the claim. As the Examiner noted, this limitation is a typographical error and should be "sets", this limitation being described and discussed in paragraph [00107] of the specification. With respect to the Examiner's rejection of claims 37 and 57, it is noted that the dependencies of these claims have been already amended in the previous amendment submitted on May 23, 2005 in the manner now suggested by the Examiner. Correspondingly, the withdrawal of this rejection is respectfully requested. Furthermore, the dependencies of claims 42, 44, and 47 have been amended in the manner suggested by the Examiner to provide proper antecedent basis for limitations recited therein. Therefore, the withdrawal of this rejection with respect to these claims is also respectfully requested.

Claims 1-4, 11, 13, 16-19, 23-26, 45-48, 55, 57, and 60-62 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,231,566 to Blutinger et al. that discloses a method and apparatus for producing a catalog. Blutinger discloses a computer system that is employed wherein a catalog item number is assigned to the items that are to be listed in the catalog, each unique item having a unique catalog item number. A software program is disclosed which determines whether an item manually inputted by the user has previously been assigned a catalog item number by comparing the inputted item against a plurality of items in a master item list. A new catalog item number is generated and assigned to the inputted item if a catalog item number was previously not assigned.

If the inputted item already exists in the master item list, the catalog item number assigned to the item in the master list is also assigned to the inputted item so that all like items have the same catalog item number, and different items have different catalog item numbers.

The Applicants respectfully disagree with the Examiner's rejection for the reasons set forth hereinbelow. In particular, it is respectfully noted that the present invention recited in independent claims 1 and 45 specifically recite processing plural product information records into one or more groups based on which product information records are likely to correspond to the same product. No such grouping occurs in the method and apparatus disclosed in the cited Blutinger reference.

In the above regard, it is noted that grouping recited in claim 1 differs from the categorizing that is also recited in these claims. In particular, categorizing means that the product specification is classified under the taxonomy structure based upon the determined attributes. However, the recited initial processing of the product information records into one or more groups does not fall under any taxonomy structure. Instead, this grouping refers to the fact that the product information records are analyzed for similarities and differences, and associated together based upon which product information records are likely to correspond to the same product. Again, this process differs from classification under a particular taxonomy structure which is recited in the latter categorization limitation of the claim, this categorization being more analogous to the method described in the Blutinger reference.

The cited Blutinger reference is completely silent as to processing records into one or more groups as specifically recited. Blutinger discloses a method and apparatus that analyzes data in a worksheet for/associated with a particular product, and not a group. Correspondingly, the cited reference also fails to disclose correlating a unique product ID to the product that is associated with each of the

groups. In addition, because the method and apparatus disclosed in Blutinger does not group the product information sources, the reference also fails to disclose determining attributes for each of the categorized products based upon product information records corresponding to each group.

Moreover, Blutinger does not disclose creating product specifications based on the determined attributes, but instead, the specifications of the product are provided by the merchant that manually fills out a form/worksheet for the particular product. As the Examiner concedes, the recited comparing of each of the identified products to categories of a taxonomy as recited in the present invention is electronically performed whereas in the Blutinger reference, this comparison is done by the operator of the system who must review the various catalog categories in order to ensure proper categorization. In particular, in Blutinger, the operator needs to make an intelligent choice as to the proper categorization of the product. (See column 10, lines 16-27).

In contrast, the present invention parses the product information records corresponding to each group to electronically determine the attributes. In addition, the comparison between the each identified product to categories of a taxonomy is performed electronically, not manually. Moreover, product specifications are electronically generated based on the determined attributes, which again, are determined based upon the product information records corresponding to each group.

Correspondingly, as explained in detail above, Blutinger fails to disclose each and every limitation as set forth in claims 1 and 45. Thus, the withdrawal of this rejection with respect to claims 1, 45, and dependent claims depended thereon, are respectfully requested.

The Examiner's rejection of claim 23 based upon Blutinger is also traversed for similar reasons to those discussed above. Furthermore, the Examiner's rejection of dependent claims 2-4, 11, 13, 16-19, 24-26, 46-58, 55, 57, and 60-62

are believed to be rendered moot in that these claims are ultimately dependent upon allowable independent claims as discussed above. In addition, with respect to the Examiner's rejection of claims 16 and 60 alleging that Blutinger teaches the operation of generating a description, the Applicants disagree in that the method and system disclosed in Blutinger does not generate a description from determined attributes that are based upon each group. Instead, the method and apparatus disclosed in Blutinger merely reproduces the manually entered product information from the worksheet.

However, to expedite the prosecution of the present application, independent claims 1, 23, and 45 have been amended to specifically recite electronic comparing of each identified product to categories of a taxonomy. In addition, these claims have been further amended to specifically recite electronically parsing the product information records corresponding to each group to determine the attributes for each categorized product. Furthermore, these claims have been also amended to specifically recite electronically generating product specifications based upon the determined attributes. Clearly, the cited Blutinger reference fails to disclose, teach, or otherwise suggest the method and system as recited in these amended claims. Correspondingly, the withdrawal of this rejection and the allowance of these independent claims, as well as the claims ultimately dependent thereon, are respectfully requested.

Referring again to the Office Action, claims 5-10, 15, 31, 32, 49-54, and 57 were rejected under 35 U.S.C. 103(a) as being unpatentable over Blutinger discussed above. However, this rejection is believed to be rendered moot in view of the above amendments to independent claims 1, 23 and 45 discussed above. Moreover, it is further noted that the Examiner does not cite any reference or teachings in the prior art that establishes the obviousness asserted by the Examiner, but merely summarily asserts obviousness of these claims based upon the desirability of the claimed features in facilitating creation of a product catalog. In

this regard, the Examiner appears to be engaging in hindsight reconstruction which has been deemed improper. Correspondingly, the withdrawal of this rejection is respectfully requested.

Claims 33, 39, 40-42, 70, and 72 were rejected under 35 U.S.C. 103(a) as being unpatentable over Blutinger discussed above and further in view of U.S. Patent No. 6,154,738 to Call. Call is relied upon for disclosing generation of a crawler, the Examiner alleging that it would have been obvious to combine the teachings of Blutinger to Call because this would eliminate the paperwork and second hand data entry thereby allowing the vendor to simply maintain a website which can be mined by the crawler that would index and provide access to the data for input into the catalog.

However, it is respectfully noted that there is no specific teachings in Blutinger nor Call to combine these references in the manner suggested by the Examiner. Blutinger does not disclose or suggest implementing the system to extract information from a website or a URL, but rather, discloses a centralized master catalog that is essentially manually generated. In this regard, the Examiner again appears to be engaging in improper hindsight reconstruction to allege that there are motivations in these cited references to combine them in the manner now suggested.

Moreover, it is respectfully noted that the Call reference fails to remedy the deficiencies of Blutinger in that it also fails to disclose processing the product information records into one or more groups, electronically comparing each identified product to categories of a taxonomy, electronically parsing the product information records corresponding to each group to electronically determine attributes, and electronically generating product specifications as now specifically recited in independent claims 1, 23, and 45. Correspondingly, even if the references Blutinger and Call are combined in the manner now suggested by the Examiner, they still fail to result in the method and system presently claimed.

Thus, the applicants request that this rejection also be withdrawn. If this rejection is maintained, the Applicants respectfully request that the Examiner specifically point out the teachings of Call and/or Blutinger for combining these references in the manner suggested by the Examiner, and how such combination results in the method and system presently claimed in detail.

Claims 34-38, 43, 44, and 66-70 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,920,854 to Kirsch et al. in view of Call discussed above. The Applicants again disagree in that there is no teachings in either Call or Kirsch to combine these references in the manner suggested by the Examiner. In this regard, the Examiner appears to be engaging in hindsight reconstruction. Furthermore, it is noted that Kirsch is directed to document indexing and does not relate to product information or generation of a catalog. Correspondingly, the withdrawal of this rejection and the allowance of these claims are respectfully requested.

However, to expedite prosecution of the present application, independent claims 34 and 66 have been amended to specifically recite grouping of the product phrase information based on which product phrase information are likely to correspond to the same product and based on the characteristics of the product phrase information. In addition, these claims have been further amended to specifically recite electronically parsing the grouped product phrase information to determine attributes for each product based upon the product phrase information or the characteristics of the product phrase information. Moreover, these claims have been further amended to specifically recite creating a catalog of products based upon the determined attributes, which as noted above, are specifically recited as being determined by parsing the grouped product phrase information.

The combination of the cited references Kirsch and Call clearly fail to disclose, teach, or otherwise suggest grouping of the product phrase information, or electronically parsing the grouped product phrase information as specifically

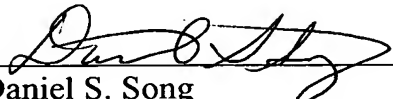
recited in the present claims. Moreover, such a combination still fails to disclose creating a catalog of products based upon the determined attributes, which again, are determined based upon the electronically parsing the grouped product phrase information. Therefore, the withdrawal of this rejection and the allowance of these claims are respectfully requested.

Claims 73-89 were rejected under 35 U.S.C. 103(a) as being unpatentable over Blutinger in combination with Kirsch and Call, all of which were discussed above. However, the Applicants again contend that the Examiner has failed to establish any teachings or motivations disclosed in the references for combining these references in the manner now suggested. Moreover, this rejection is believed to be rendered moot in view of the above amendments to independent claims 1 and 45. In particular, even if these references are combined in the manner suggested by the Examiner, they still fail to disclose, teach, or otherwise suggest processing product information into one or more groups, electronically comparing the identified product to categories of a taxonomy, electronically parsing the product information record corresponding to each group to electronically determine attributes, and electronically generating product specifications as specifically recited. Therefore, the withdrawal of this rejection and the allowance of these claims are respectfully requested.

Finally, it is respectfully noted, that the newly added claims 90 and 91 are directed to selecting the recited most preferable product image based on at least one of size, type, quality, proportion, and source. This feature is set forth in ¶[00114] of the specification. The newly added claims 92-100 are directed to ignoring minor variances in product information records determined to be insignificant, this feature being set forth in ¶¶[0092] and [00101]-[00104] of the specification. In this regard, to facilitate examination of these new claims, it is further noted that claims 93, 94, 97, and 98 are dependent on claims which have been indicated by the Examiner as being allowable, and have been amended above.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, he is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,


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